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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 503, Second Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE

FEBRUARY 28, 1941.

§ 301.72-5c *Administrative instructions modifying the restrictions of the white-fringed beetle quarantine by authorizing treatment by methyl bromide solution of balled nursery stock of specified thickness—Introductory note.* The instructions in circular B.E.P.Q. 503 authorizing the treatment of nursery stock by a solution of methyl bromide, as last revised (March 15, 1940), provided for specified treatments of larvae of each of the species of white-fringed beetle, *Pantomorus leucoloma* Boh., the more common species, and *P. peregrinus* Buch., the new species. As a result of further investigations, the instructions are revised to provide for a modified treatment applying to both species and to all regulated areas other than in New Orleans and vicinity. The treatment authorized in the last revision of the circular is continued for the New Orleans area for the reason that the consistency of the soil in that area is such that the treatment can be used effectively only on soil balls not greater than 7 inches in diameter. In other areas, effective results are obtained on soil balls up to 8 inches in diameter. The specifications for treatment in the New Orleans area are brought forward in the instructions which follow.

(a) *Treatment authorized.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by subsection (a) of § 301.72-5, Chapter III, Title 7, Code of Federal Regulations (Regulation 5 of Notice of Quarantine No. 72 on account of the white-fringed beetle), the following method of treatment for balled plants is hereby authorized when carried out under the supervision of an

authorized inspector of the United States Department of Agriculture.

(b) *Type of material authorized—*(1) *In Orleans Parish, including the city of New Orleans, and Saint Bernard Parish, La.* The treatment shall be applied only to plants in soil balls not greater than 7 inches in diameter nor greater than 7 inches in thickness when not spherical.

(2) *In all regulated area other than the parishes of Orleans and Saint Bernard, La.* The treatment shall be applied only to plants in soil balls not greater than 8 inches in diameter nor greater than 8 inches in thickness when not spherical.

(c) *Treatment method—*(1) *In all regulated areas.* (i) The soil balls around the roots of plants must be buried in sand and plunged in boxes or trays approximately 1 foot deep, which are watertight.

(ii) A 2-inch space filled with sand shall be provided between the soil balls, also above and beneath them.

(iii) Such soil balls shall be treated with a solution of methyl bromide and alcohol at a concentration of 0.3 percent methyl bromide and 0.6 percent denatured ethyl alcohol by volume in water. The solution is to be prepared by first mixing the methyl bromide and alcohol together and then adding this mixture to the water and mixing thoroughly.

(iv) The aqueous solution of methyl bromide and alcohol shall then be applied evenly over the surface of the sand around the plants at the rate of 40 gallons per 100 square feet of surface area by means of a sprinkling can or sprayer.

(2) *Exposure and temperature—*(i) *In Orleans Parish including the city of New Orleans, and Saint Bernard Parish, La.* After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 8 hours. The temperature of the soil balls during the treatment shall not be lower than 65° F.

(ii) *In all regulated area other than Orleans Parish and Saint Bernard Parish, La.* After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 8 hours. The temperature of the soil

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balls during the treatment shall not be lower than 55° F.

(d) *Disclaimer.* There has been opportunity to test this treatment on only relatively few varieties of plants, and it is understood that no liability shall attach either to the United States Department of Agriculture or its employees in the event of injury to either plants or operators.

(e) *Caution.* Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless, and in preparing the solution the operator should wear an approved gas mask.

This revision supersedes all previous issues of circular B.E.P.Q. 503.

[SEAL] AVERY S. HOYT,
Acting Chief.

[F. R. Doc. 41-1519; Filed, February 28, 1941; 11:36 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4366]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SIMMON'S CUT RATE DRUG STORE

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or*

misleadingly—Results: § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* Disseminating, etc., in connection with offer, etc., of respondent's "Mrs. Bee Femo Caps" medicinal preparation, also known as "Femo Caps" and "Bee Caps", or any other substantially similar preparation, whether sold under the same names or under any other name, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that said preparation constitutes a competent or effective treatment for delayed, unnatural or suppressed menstruation, or that it is safe or harmless; or which advertisements fail to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in the case of pregnancy may cause uterine infection and blood poisoning; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Simmon's Cut Rate Drug Store, Docket 4366, February 10, 1941]

In the Matter of Carl D. Bates, Individually and Trading as Simmon's Cut Rate Drug Store

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of February, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Carl D. Bates, individually and trading as Simmon's Cut Rate Drug Store, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his medicinal preparation known as "Mrs. Bee Femo Caps", and as "Femo Caps", and "Bee Caps", or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as commerce

is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that said preparation constitutes a competent or effective treatment for delayed, unnatural or suppressed menstruation; that said preparation is safe or harmless; or which advertisement fails to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in the case of pregnancy may cause uterine infection and blood poisoning;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in Paragraph 1 hereof, or which fails to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in the case of pregnancy may cause uterine infection and blood poisoning.

It is further ordered, That the respondent shall, within ten (10) days after service upon him of this order, file with the Commission an interim report in writing, stating whether he intends to comply with this order and, if so, the manner and form in which he intends to comply; and that within sixty (60) days after service upon him of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1523; Filed, February 28, 1941;
11:41 a. m.]

[Docket No. 3891]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF YORK CONE COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with candy or any other merchandise together with push or pull cards, punchboards or other lottery devices, which said push or pull cards, punchboards or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, York Cone Company, Docket 3891, February 11, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in com-

merce, of candy or other merchandise, others with push or pull cards, punchboards or other lottery devices either with assortments of candy or other merchandise or separately, which said push or pull cards, punchboards or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, York Cone Company, Docket 3891, February 11, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, York Cone Company, Docket 3891, February 11, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of February, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Miles J. Furnas and Randolph Preston, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint, no evidence being offered by the respondent, briefs filed herein, oral argument having been waived, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, York Cone Company, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others push or pull cards, merchandise together with push or pull cards, punchboards or other lottery devices, which said push or pull cards, punchboards or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public;

(2) Supplying to or placing in the hands of others push or pull cards, punchboards or other lottery devices either with assortments of candy or other merchandise or separately, which said push or pull cards, punchboards or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public;

15 F.R. 1296.

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1522; Filed, February 28, 1941;
11:41 a. m.]

[Docket No. 4400]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF EMPIRE STATE CANDY
COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, candy or any merchandise so packed and assembled that sales thereof to the general public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Empire State Candy Company, Docket 4400, February 10, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with push or pull cards, punch boards or other lottery device, either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Empire State Candy Company, Docket 4400 February 10, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Empire State Candy Company, Docket 4400, February 10, 1941]

In the Matter of B. M. Bennett, Individually and Trading Under the Name of Empire State Candy Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of February, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent B. M. Bennett, individually and trading as Empire State Candy Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy or any merchandise so packed and assembled that sales of such candy or other merchandise to the general public are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1524; Filed, February 28, 1941;
11:41 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENT TO RULE PROVIDING EXEMPTIONS FROM SECTION 17 (C) OF THE ACT FOR OFFICERS AND DIRECTORS OF OPERATING COMPANIES

Acting pursuant to the Public Utility Holding Company Act of 1935, particu-

larly sections 17 (c) and 20 (a) thereof (Sec. 17, 49 Stat. 830; 15 U.S.C. 79g; sec. 20, 49 Stat. 833; 15 U.S.C. 79t), and finding that such action will not adversely affect the public interest or the interest of investors or consumers, the Securities and Exchange Commission hereby amends paragraph (h) of § 250.17c-1 (Rule U-17C-1) to read as follows:

(h) A person (1) whose *only* financial connection is with one or more commercial banking institutions having their principal offices within the State in which such company conducts at least 90 per cent of its public-utility operations and in which such person resides, and (2) who was originally elected to his position in such company prior to April 1, 1939, pursuant to an order of, or stipulation approved by, the public service commission, corporation commission, or similar regulatory body of such State: *Provided, however,* That this exemption shall expire December 31, 1941.

Effective March 1, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1472; Filed, February 27, 1941;
4:18 p. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 202—EMPLOYERS UNDER THE ACT

REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j) §§ 202.11 and 202.12 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) are amended, effective February 25, 1941, by Board Order 41-85 dated February 25, 1941, to read as follows:

§ 202.11 *Termination of employer status.* The employer status of any company or person shall terminate whenever such company or person loses any of the characteristics essential to the existence of an employer status.

§ 202.12 *Evidence of termination of employer status.* In determining whether a cessation of an essential characteristic, such as control or service in connection with railroad transportation, has occurred, consideration will be given only to those events or actions which evidence a final or complete cessation. Mere temporary periods of inactivity or failure to exercise functions or to operate equipment or facilities will not necessarily result in a loss of employer status.

The actual date of cessation of employer status shall be the date upon which final or complete cessation of an essential employer characteristic occurs. The following indicate but do not delimit the

type of evidence that will be considered in determining the actual date of cessation of an employer status: stoppage of business or operations; the cancellation of tariffs, concurrences or powers of attorney filed with the Interstate Commerce Commission; the effective date of a certificate permitting abandonment; the effective date of a pertinent judicial action such as the discharge of a receiver, trustee, or other judicial officer, or an order approving sale of equipment or machinery; the sale, transfer, or lease of property, equipment, or machinery essential to the continuance of an employer function or to control by a carrier employer; public or private notices of contemplated or scheduled abandonment or cessation of operations; termination of contract; discharge of last employee; date upon which the right of a railway labor organization to participate in the selection of labor members of the National Railroad Adjustment Board ceases or is denied; and date on which an employer, if a labor organization, ceases to represent or is denied the right to represent crafts or classes of employees in the railroad industry, or to promote the interests of employees in the railroad industry.

In the absence of evidence to the contrary the employer status of an existing company or person shall be presumed to continue, and in accordance with § 250.01 (b) of these regulations it is the duty of each employer promptly to notify the Board of any change in operations affecting such company's status as an employer.

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary of the Board.

Dated: February 27, 1941.

[F. R. Doc. 41-1495; Filed, February 28, 1941;
10:51 a. m.]

TITLE 29—LABOR

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 2—REGULATIONS APPLICABLE TO CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING AND PUBLIC WORK AND ON BUILDING AND WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

§ 2.1 *Weekly affidavit with respect to wages.* (a) Each contractor or subcontractor engaged in the construction, prosecution, completion, or repair of any public building or work, or building or work financed in whole or in part by loans or grants from the United States shall furnish each week an affidavit with respect to the wages paid during the preceding week.

(b) Said affidavit shall be executed and sworn to by the contractor or subcontractor or by the authorized officer or employee of the contractor or subcontractor who supervises the payment

of wages, and shall be in the following form:

STATE OF _____ ss.
County of _____
I, _____ (name of party signing affidavit) _____ (title), being duly sworn, do depose and say: That I pay or supervise the payment of the persons employed by _____ (contractor or subcontractor) on the _____ (building or work); that the attached payroll sets out accurately and completely the name, occupation, and hourly wage rate of each person so employed for the weekly payroll period from the _____ day of _____, 194____, to the _____ day of _____, 194____, the total number of hours worked by him during such period, the full weekly wages earned by him and any deductions made from such weekly wages, and the actual weekly wages paid to him; that no rebates have been or will be made either directly or indirectly to or on behalf of said _____ (contractor or subcontractor) from the full weekly wages earned as set out on the attached payroll; and that no deductions, other than the permissible deductions (as defined in the Regulations under the "Kickback" Act (48 Stat. 948)) described in the following paragraph of this affidavit, have been made or will be made, either directly or indirectly, from the full weekly wages earned as set out on the attached payroll.

(Paragraph describing deductions, if any)

(Signature and Title)

Sworn to before me this _____ day of _____, 194____.

(c) Each weekly affidavit with attached payroll shall be delivered within seven (7) days after the regular payment date of the payroll to the Government representative in charge at the site of the building or work, or, if there is no such Government representative, shall be mailed within such time to the Federal agency contracting for or financing the building or work. After such examination and check as may be made, such affidavit and payroll, or a copy thereof, together with a report of any violation, shall be transmitted by such Federal agency to the United States Department of Labor at Washington, D. C., unless otherwise arranged with the Department.

(d) At the request of the Federal agency contracting for or financing the building or work, the contractor or subcontractor shall furnish and deliver, together with the original, a copy of the affidavit and payroll required by this section.*

*§§ 2.1 to 2.4, inclusive, issued under the authority contained in section 2, 48 Stat. 948 and section 9 of Reorganization Plan No. IV, effective June 30, 1940 in accordance with section 4 of H. J. Res. 551 (Public Res. No. 75), approved June 4, 1940.

§ 2.2 *Definitions.* As used in the foregoing section (a) The words "construction, prosecution, completion, or repair" comprehend all types of work done on the particular building or work at the site thereof including, without limitation, altering, remodeling, painting and decorating, and fabricating, assembling and installing articles, apparatus and equipment used on or installed in the building or work. They comprehend also the transporting of materials and supplies to or from the building or work, and the manufacturing or furnishing of

materials, articles, supplies or equipment on the site of the building or work, by persons employed at the site by the contractor or subcontractor engaged in work at the site.

(b) The words "building or work" include, without limitation (in addition to buildings) structures and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, railways, ships, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and dredging, shoring, scaffolding, drilling, blasting, excavating, clearing and landscaping work. Unless conducted in connection with and at the site of such a building or work as is described in the foregoing sentence, the manufacture or furnishing of materials, articles, supplies or equipment (whether or not the United States acquires title to such materials, articles, supplies or equipment during the course of the manufacturing or furnishing or owns the materials from which they are manufactured or furnished) is not a "building or work" within the meaning of these regulations.

(c) The term "permissible deductions" includes (1) deductions required by statute, such as the Social Security Act, or by court order; and (2) deductions from wages of persons permanently employed by shipbuilding companies and by concerns such as public utilities not normally engaged in performing construction contracts, for death, disability, sickness, hospitalization, retirement, or unemployment insurance: *Provided*, That the total amount of such deductions is paid for premiums to insurance companies or mutual benefit associations neither directly nor indirectly under the control of the contractor or subcontractor and that no portion of such premiums, whether in the form of a commission or otherwise, is returned to the contractor or subcontractor, and *Provided further*, That such deductions have been voluntarily agreed to by such employees in writing and in advance. No other deductions are permissible within the meaning of these regulations, including, without limitation, deductions for board, lodging, commissary purchases, hospitalization benefits, hospital bills, voluntary wage assignments, group insurance, rentals, loans, or loss of tools. Bona fide cash wage advances are permissible.

(d) The term "Federal agency" includes all executive departments, independent establishments, agencies and instrumentalities of the United States, corporations all of the stock of which is beneficially owned by the United States, and the District of Columbia.*

§ 2.3 *Notice to contractors.* Contracts entered into after the effective date of these regulations shall contain provisions appropriate to bind the contractors to comply with the requirements of the regulations if applicable.*

§ 2.4 *Effective date; existing regulations superseded.* These regulations

shall be effective sixty (60) days after publication thereof in the FEDERAL REGISTER and shall supersede from that date the regulations and amended regulations issued jointly by the Secretary of the Treasury and the Secretary of the Interior on January 8, 1935 and March 27, 1937, respectively (24 CFR 604; 41 CFR 21); *Provided*, That the parties to contracts or subcontracts entered into prior to the effective date may, if they so agree, comply with these regulations instead of with the superseded regulations at any time after publication of these regulations in the FEDERAL REGISTER.*

FRANCES PERKINS,
Secretary.

[F. R. Doc. 41-1527; Filed, February 28, 1941; 11:58 a. m.]

CHAPTER V—WAGE AND HOUR DIVISION

PART 592—MINIMUM WAGE RATES IN THE CARPET AND RUG INDUSTRY

WAGE ORDER IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 12 FOR MINIMUM WAGE RATES IN THE CARPET AND RUG INDUSTRY

Effective March 17, 1941

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on May 13, 1940, by Administrative Order No. 50, appointed Industry Committee No. 12 for the Carpet and Rug Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 12, on July 10, 1940, recommended minimum wage rates for the Carpet and Rug Industry and duly adopted a report containing said recommendation and reasons therefor and filed such report with the Administrator on August 7, 1940, pursuant to section 8 (d) of the Act and § 511.19 of the Regulations issued under the Act; and

Whereas after due notice published in the FEDERAL REGISTER, Henry T. Hunt, Esquire, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendations at Washington, D. C., on October 2, 1940, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

Whereas all persons appearing at said public hearing before the Presiding Officer were given leave to file briefs before October 31, 1940; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to

the provisions of the Act with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendations for the Carpet and Rug Industry as defined in Administrative Order No. 50 are made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee will carry out the purposes of section 8 of this Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Administrator's Finding and Opinion in the Matter of the Recommendations of Industry Committee No. 12 for Minimum Wage Rates in the Carpet and Rug Industry" dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.;

Now, therefore, it is ordered, That:

§ 592.1 *Approval of recommendation of Industry Committee.* The Committee's recommendations are hereby approved.*

*§§ 592.1 to 592.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.

§ 592.2 *Wage rates.* Wages at the rates provided in this section shall be paid under section 6 of the Act of every employer to each of his employees in the Carpet and Rug Industry who is engaged in commerce or in the production of goods for commerce.

(a) *Wool Division.* Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in (1) the spinning, dyeing, finishing or processing of carpet yarns which contain any carpet wool; or, (2) the manufacturing, dyeing, finishing or processing of rugs or carpets under the definition of the Carpet and Rug Industry containing any wool of any kind.

(b) *Other than the Wool Division.* Every employer shall pay not less than 35 cents per hour to each of his employees who is engaged in the manufacturing, dyeing, finishing or processing of all rugs or carpets under the definition of the Carpet and Rug Industry other than those included within the Wool Division of the Industry, and*

§ 592.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Carpet and Rug Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor, and*

§ 592.4 *Definition of the carpet and rug industry and divisions thereof.* The Carpet and Rug Industry and divisions thereof to which this order shall apply are hereby defined as follows:

(a) As used in this order the term "Carpet and Rug Industry" means:

(1) The spinning, dyeing, finishing or processing of carpet yarns which contain any carpet wool.

(2) The manufacturing, dyeing, finishing or processing of rugs or carpets from any yarns or fibres or from grass or paper but not including bath mats or the manufacture by hand of rugs or carpets.

(b) The term "Wool Division" as used in this order means:

(1) The spinning, dyeing, finishing or processing of carpet yarns which contain any carpet wool; or,

(2) The manufacturing, dyeing, finishing or processing of rugs or carpets under the definition of the Carpet and Rug Industry containing any wool of any kind.

(c) The term "Other than Wool division" as used in this order means:

The manufacturing, dyeing, finishing or processing of all rugs or carpets under the definition of the Carpet and Rug Industry other than those included within the Wool Division of the Industry.*

§ 592.5 *Scope of the Definition.* The definition of the Carpet and Rug Industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping and selling occupations.*

§ 592.6 *Effective date.* This Wage Order shall become effective March 17, 1941.*

Signed at Washington, D. C., this 28th day of February, 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-1520; Filed, February 28, 1941;
11:38 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-71]

PART 321—MINIMUM PRICE SCHEDULE DISTRICT NO. 1

ORDER OF THE DIRECTOR APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER; AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS' BOARD FOR DISTRICT NO. 1 FOR THE ESTABLISHMENT AND REVISION OF PRICE CLASSIFICA-

TIONS AND EFFECTIVE MINIMUM PRICES FOR MINES OF THE COOK HOUSE COAL MINING COMPANY, GOTTLIEB KOLLAK, LOW ASH COAL COMPANY (FOSTER SHAFFER), AND RAY WETZEL

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Bituminous Coal Division on October 2, 1940, by District Board 1, seeking revision of the effective minimum prices for certain sizes of coal produced at the mines of Cook House Coal Mining Company, Gottlieb Kollak, Low Ash Coal Company (Foster Shaffer), and Ray Wetzel, code members in District 1; and

Temporary relief pending final disposition of this proceeding having been granted by an Order of the Director, dated October 16, 1940, revising the prices for the coals produced at the aforesaid mines in Size Group 3 (run of mine and modified run of mine) and classifying the Cook House Coal Mining Company coals for rail shipment; and

A hearing having been held before a duly designated Examiner of the Division, at a Hearing Room of the Division, Hotel Roger Smith, Washington, D. C., from November 13 to 18, 1940; and

The Examiner having made Proposed Findings of Fact and Conclusions of Law in this matter, dated January 11, 1941; and

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed; and

The Director having determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director:

It is ordered, That the said Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That the typographical error occurring in the temporary minimum prices listed in the Order of October 16, 1940 be corrected by changing "page 237" appearing above "Wetzel, Ray" on page 3 of said Order to "page 37"; and

It is further ordered, That, § 321.24 (General prices) be amended by adding thereto "Schedule A" and § 321.7 (Alphabetical list of code members) be amended by adding thereto "Schedule B" which schedules dated February 26, 1941, are hereinafter set forth.

Dated: February 26, 1941.

[SEAL]

H. A. GRAY,
Director.

FOR TRUCK SHIPMENTS
§ 321.24 General prices

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam	Run of mine Mod. R/M 3
Cook House Coal Mining Co. (Arthur Barracough).	1232	Cook House No. 1.....	9	Centre.....	A	215
Kollak, Gottlieb.....	1631	Kollak.....	29	Cambria.....	B	220
Low Ash Coal Co., The (Foster Shaffer).	1699	Low Ash Coal Co.....	32	Cambria.....	B	225
Wetzel, Ray.....	2224	Wetzel.....	12	Indiana.....	E	215

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members

ALPHABETICAL LISTING OF CODE MEMBERS HAVING RAILWAY LOADING FACILITIES, SHOWING PRICE CLASSIFICATION BY SIZE GROUP NUMBERS

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Freight origin group No.	Size group 3
1232	Cook House Coal Mining Co. (Arthur Barracough).	Cook House No. 1....	9	A	44	G

[F. R. Doc. 41-1465; Filed, February 27, 1941; 11:44 a. m.]

TITLE 31—MONEY AND FINANCE:
TREASURY

CHAPTER III—BUREAU OF THE
PUBLIC DEBT

[1941 Department Circular No. 418, as amended]

PART 309—ISSUE AND SALE OF TREASURY
BILLS

FEBRUARY 28, 1941.

Important notice. This is not a specific offering of Treasury bills, but a general circular governing any such offering when made pursuant to a public notice hereunder, given by the Secretary of the Treasury on any occasion when tenders for Treasury bills are invited.

Department Circular No. 418, as amended, dated May 3, 1934, is hereby further amended, with respect to all issues of Treasury bills dated on or after March 1, 1941, to read as follows:

§ 309.1 *Authority for issue and sale.* The Secretary of the Treasury is authorized by the Second Liberty Bond Act, approved September 24, 1917, as amended, to issue Treasury bills of the United States on a discount basis and payable at maturity without interest, and to fix the form, terms, and conditions thereof, and to offer them for sale on a competitive basis, under such regulations and upon such terms and conditions as he may prescribe. Pursuant to said authorization, the Secretary of the Treasury may, from time to time, by public notice, offer Treasury bills for sale, and invite tenders therefor, through the Federal Reserve Banks. The Treasury bills so offered, and the tenders made, will be subject to the terms and conditions and to the general rules and regulations herein set forth, and also to the terms and conditions stated in the public notices issued

by the Secretary of the Treasury in connection with particular offerings.

§ 309.2 *Description of Treasury bills.* Treasury bills are bearer obligations of the United States, issued on a discount basis, and promising to pay a specified amount without interest on a specified date. They will be payable at maturity upon presentation to the Treasurer of the United States, in Washington, or to any Federal Reserve Bank. Treasury bills are issued only by Federal Reserve Banks pursuant to tenders accepted by the Secretary of the Treasury, and shall not be valid unless the issue date and the maturity date are entered thereon. Treasury bills bearing the same issue date and the same maturity date shall constitute a series.

§ 309.3 *Denomination and exchange.* Treasury bills will be issued in denominations (maturity value) of \$1,000, \$5,000, \$10,000, \$100,000, \$500,000, and \$1,000,000. Exchanges from higher to lower denominations of the same series (bearing the same issue and maturity dates) will be permitted at Federal Reserve Banks. Insofar as applicable, the general regulations of the Treasury Department governing transactions in bonds and notes will govern transactions in Treasury bills.

§ 309.4 *Taxation.* The income derived from Treasury bills, whether interest or gain from the sale or other disposition of the bills, shall not have any exemption, as such, and loss from the sale or other disposition of Treasury bills shall not have any special treatment, as such, under Federal tax Acts now or hereafter enacted. The bills shall be subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the

principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority. For purposes of taxation the amount of discount at which Treasury bills are originally sold by the United States shall be considered to be interest.

§ 309.5 *Acceptance at maturity.* Treasury bills will be acceptable at maturity value to secure deposits of public moneys; they will not bear the circulation privilege. Treasury bills will be acceptable at maturity, but not before, under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury, in payment of income and profits taxes payable at the maturity of the Treasury bills. Notes secured by Treasury bills are eligible for discount or rediscount at Federal Reserve Banks by members banks, as are notes secured by bonds and notes of the United States, under the provisions of section 13 of the Federal Reserve Act. They will be acceptable at maturity, but not before, in payment of interest or of principal on account of obligations of foreign governments held by the United States.

§ 309.6 *Tenders; public notice.* When Treasury bills are to be offered, tenders therefor will be invited through public notice given by the Secretary of the Treasury. In such public notice there will be set forth the amount of Treasury bills for which tenders are then invited, the date of issue, the date or dates when such bills will become due and payable, the date and closing hour for the receipt of tenders at the Federal Reserve Banks and Branches, and the date on which payment for accepted tenders must be made or completed.

§ 309.7 *Tenders; submission through Federal Reserve banks.* Tenders in response to any such public notice will be received only at the Federal Reserve Banks, or Branches thereof, and unless received before the time fixed for closing will be disregarded. Tenders will not be received at the Treasury Department. Each tender must be for an amount in an even multiple of \$1,000 (maturity value). The price or prices offered by the bidder for the amount or amounts (at maturity value) applied for must be stated, and must be expressed on the basis of 100, with not more than three decimals, e. g., 99.925. Fractions may not be used.

§ 309.8 *Tenders; when cash deposit required.* Tenders should be submitted on the printed forms and forwarded in the special envelopes which will be supplied on application to any Federal Reserve Bank, or Branch. If a special envelope is not available, the inscription "Tender for Treasury Bills" should be placed on the envelope used. The instructions of the Federal Reserve Banks with respect to the submission of tenders should be observed. Tenders from incorporated banks and trust companies, and from responsible and recognized dealers in investment securities will be received without deposit. Tenders from all others

must be accompanied by a payment of 10 percent of the face amount of the Treasury bills applied for: *Provided, however*, That such deposit will not be required if the tender is accompanied by an express guaranty of payment in full by an incorporated bank or trust company. Forfeiture of the 10 percent payment may be declared by the Secretary of the Treasury, if payment is not completed, in the case of accepted tenders, on the prescribed date.

§ 309.9 *Tenders; acceptance by Secretary of Treasury.* At the time fixed for closing, as specified in the public notice, all tenders received by the Federal Reserve Banks, or Branches, will be opened. The Secretary of the Treasury will determine the acceptable prices offered and will make public announcement thereof. Those submitting tenders will be advised by the Federal Reserve Banks of the acceptance or rejection thereof, and payment on accepted tenders must be made or completed on the date specified in the public notice.

§ 309.10 *Tenders; reservation of right to reject.* In considering the acceptance of tenders, the highest prices offered will be accepted in full down to the amount required, and if the same price appears in two or more tenders and it is necessary to accept only a part of the amount offered at such price, the amount accepted at such price will be prorated in accordance with the respective amounts applied for. However, the Secretary of the Treasury expressly reserves the right on any occasion to reject any or all tenders or parts of tenders; and to award less than the amount applied for; and any action he may take in any such respect or respects shall be final.

§ 309.11 *Tenders; payment of accepted tenders.* All payments which may be due on account of accepted tenders must be made or completed to the appropriate Federal Reserve Bank in cash or other immediately available funds on or before the date specified: *Provided, however*, the Secretary of the Treasury in his discretion, when inviting tenders for Treasury bills, may provide that any qualified depository may make payment by credit for accepted tenders, on behalf of itself and its customers, up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

§ 309.12 *Relief in case of lost, stolen, destroyed, mutilated, or defaced Treasury bills.* (a) Relief on account of the loss, theft, destruction, mutilation or defacement of Treasury bills may be given only under the authority of, and subject to the conditions set forth in section 8 of the Government Losses in Shipment Act, approved July 8, 1937, and the regulations pursuant thereto in Part 306, as amended, in so far as applicable.

(b) In case of the loss, theft, destruction, mutilation or defacement of Treasury bills, immediate advice, with a full

description of the bill or bills involved, should be sent to the Division of Loans and Currency, Treasury Department, Washington, D. C., either direct or through any Federal Reserve Bank, and, if relief under the statutes may be given, instructions and necessary blank forms will be furnished.

§ 309.13 *Functions of Federal Reserve banks.* Federal Reserve Banks, as fiscal agents of the United States, are authorized to perform all such acts as may be necessary to carry out the provisions of this circular and of any public notice or notices issued in connection with any offering of Treasury bills.

§ 309.14 *Reservation of right to amend.* The Secretary of the Treasury reserves the right further to amend, supplement, revise or withdraw all or any of the provisions of this circular at any time, or from time to time.

[SEAL] HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 41-1525; Filed, February 28, 1941;
11:45 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

AMENDMENT

The Commission on February 25, 1941, effective immediately, amended § 4.44 (c) by adding the following sentence thereto:

Any frequency assigned to an international broadcast station shall also be available, during hours when such frequency is not regularly used by such station or when no objectionable interference would be caused to the service rendered by any existing international broadcast station, for assignment to other international broadcast stations.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-1496; Filed, February 28, 1941;
11:19 a. m.]

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

The Commission on February 25, 1941, effective immediately, added to paragraph (b) of § 31.1-13 "Company securities owned" and to paragraph (f) of § 31.1-15 "Discount, premium, and expense on long-term debt", the following sentence:

In the case of refinancing, amounts that ordinarily would thus be charged or

credited to surplus may be made subject to amortization upon approval of the Commission in the specific instance.

(Sec. 220 (a), 48 Stat. 1078; 47 U.S.C. 220 (a))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-1497; Filed, February 28, 1941;
11:19 a. m.]

PART 43—REPORTS

RULES GOVERNING THE FILING OF INFORMATION, CONTRACTS, PERIODIC REPORTS, ETC.

The Commission on February 25, 1941, amended § 43.41 (c),¹ effective immediately, by adding the following proviso:

Provided, however, That ship licenses, except those also authorized to operate coastal stations; Alaskan licenses; and railroads shall not be required to comply with the provisions of this paragraph.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 206; 48 Stat. 1072; 47 U.S.C. 206; Sec. 219, 48 Stat. 1077; 47 U.S.C. 219)

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-1498; Filed, February 28, 1941;
11:19 a. m.]

Notices

NAVY DEPARTMENT.

[NOY-4217]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: UNITED ENGINEERS AND CONSTRUCTORS, INC., 1401 ARCH ST., PHILADELPHIA, PENNSYLVANIA

On July 10, 1940, the Navy Department entered into a contract (NOY-4217) with the United Engineers and Constructors, Inc., Philadelphia, Pennsylvania, for improvement of power plants at the Navy Yard, Philadelphia, Pa.; Navy Yard, Charleston, S. C.; Marine Barracks, Parris Island, S. C., at an estimated total cost of \$550,000, \$400,000, \$375,000 including a fixed fee of \$27,000, \$19,500, \$18,500, respectively, payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be

¹ 4 F.R. 3516.

modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of termination.

L. B. COMBS,
Acting Chief of Bureau.

[F. R. Doc. 41-1487; Filed, February 28, 1941;
10:23 a. m.]

[NOY-4230]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTORS: F. H. M'GRAW AND CO., 780 WINDSOR STREET, HARTFORD, CONNECTICUT AND SPEARIN, PRESTON & BURROWS, INC., 50 CHURCH STREET, NEW YORK CITY

On July 12, 1940, the Navy Department entered into a contract (NOY-4230) with F. H. McGraw and Co., Hartford, Conn., and Spearin, Preston & Burrows, Inc., New York City for general improvements including waterfront, buildings, and a new marine railway at the Submarine Base, New London, Conn., at an estimated total cost of \$2,303,000, including a fixed fee of \$115,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

L. B. COMBS,
Acting Chief of Bureau.

[F. R. Doc. 41-1489; Filed, February 28, 1941;
10:23 a. m.]

[NOY-4250]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: M'CLOSKEY AND COMPANY, 1620 THOMPSON STREET, PHILADELPHIA, PENNSYLVANIA

On July 31, 1940, the Navy Department entered into a contract (NOY-4250) with McCloskey and Company, 1620 Thompson Street, Philadelphia, Pennsylvania, for additional buildings and accessories at the Naval Academy, Annapolis, Maryland, at an estimated total cost of \$1,210,000, including a fixed fee of \$50,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department

No. 42—2

may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

L. B. COMBS,
Acting Chief of Bureau.

[F. R. Doc. 41-1482; Filed, February 28, 1941;
10:22 a. m.]

[NOY-4251]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: CHARLES W. ANGLE, INC., GREENSBORO, NORTH CAROLINA

On July 31, 1940, the Navy Department entered into a contract (NOY-4251) with Charles W. Angle, Inc., Greensboro, North Carolina, for the construction of barracks, temporary housing and storage and aviation facilities at the Marine Barracks, Parris Island, South Carolina, at an estimated total cost of \$2,394,750, including a fixed fee of \$110,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

L. B. COMBS,
Acting Chief of Bureau.

[F. R. Doc. 41-1488; Filed, February 28, 1941;
10:23 a. m.]

[NOY-4279]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTORS: GEORGE POLLOCK CO., SACRAMENTO, CALIFORNIA AND GUY F. ATKINSON CO., SAN FRANCISCO, CALIFORNIA

On August 14, 1940, the Navy Department entered into a contract (NOY-4279)

with George Pollock Co., Sacramento, California and Guy F. Atkinson Co., San Francisco, California, for the construction of fleet operating base, San Pedro, California at an estimated total cost of \$18,012,500 including a fixed fee of \$800,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

L. B. COMBS,
Acting Chief of Bureau.

[F. R. Doc. 41-1484; Filed, February 28, 1941;
10:22 a. m.]

[NOY-4349]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: M'LEAN CONTRACTING COMPANY, 1301 FIDELITY BUILDING, BALTIMORE, MARYLAND

On September 21, 1940, the Navy Department entered into a contract (NOY-4349) with McLean Contracting Company, Baltimore, Maryland, for the construction of supply pier, rehabilitation of existing piers and breakwater at Submarine Base at Naval Operating Base, Norfolk, Virginia, at an estimated total cost of \$3,226,500 including a fixed fee of \$140,000 payable to the Contractor.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

L. B. COMBS,
Acting Chief of Bureau.

[F. R. Doc. 41-1486; Filed, February 28, 1941;
10:22 a. m.]

[NOy-4364]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: HENRY ERICSSON COMPANY,
228 NORTH LA SALLE STREET, CHICAGO,
ILLINOIS

On October 4, 1940, the Navy Department entered into a contract (NOy-4364) with Henry Ericsson Company, Chicago, Illinois, for the construction of temporary buildings and necessary facilities for enlisted personnel at the Naval Training Station, Great Lakes, Illinois, at an estimated total cost of \$1,200,000, including a fixed fee of \$50,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

L. B. COMES,
Acting Chief of Bureau.

[F. R. Doc. 41-1473; Filed, February 28, 1941;
10:20 a. m.]

[NOy-4375]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTORS: WISE CONTRACTING CO., INC.,
122 NO. EIGHTH ST., RICHMOND, VA. AND
VIRGINIA ENGINEERING COMPANY, INC.,
MELSON BUILDING, NEWPORT NEWS, VA.

On October 8, 1940, the Navy Department entered into a contract (NOy-4375) with Wise Contracting Co., Inc., Richmond, Virginia and Virginia Engineering Company, Newport News, Va. for the construction of housing and ammunition facilities at the Naval Mine Depot, Naval Fuel Depot, Yorktown, Va., and Newport News, Va. at an estimated total cost of \$4,026,260 including a fixed fee of \$155,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of

the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

L. B. COMES,
Acting Chief of Bureau.

[F. R. Doc. 41-1479; Filed, February 28, 1941;
10:21 a. m.]

[NOy-4381]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTORS: CHARLES W. ANGLE, INC.,
GREENSBORO, NORTH CAROLINA AND POTTER
& SHACKELFORD, INC., ALLEN BUILDING,
GREENVILLE, SOUTH CAROLINA

On October 5, 1940, the Navy Department entered into a contract (NOy-4381) with Charles W. Angle, Inc., Greensboro, North Carolina and Potter & Shackelford, Inc., Greenville, South Carolina for the construction of additional facilities at Marine Barracks, Parris Island, South Carolina at an estimated total cost of \$3,069,000 including a fixed fee of \$135,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

L. B. COMES,
Acting Chief of Bureau.

[F. R. Doc. 41-1480; Filed, February 28, 1941;
10:21 a. m.]

[NOy-4382]

SUMMARY OF CONTRACT FOR HOUSING

CONTRACTOR: THE WILLIAM SIMPSON CONSTRUCTION CO., 816 WEST FIFTH STREET,
LOS ANGELES, CALIFORNIA

On October 4, 1940, the Navy Department entered into a contract (NOy-4382) with The William Simpson Construction Co. 816 West Fifth Street, Los Angeles, California for housing units with necessary accessories at San Diego Area, California at an estimated cost of \$3,800,000 including a fixed fee of \$140,000 payable to the Contractor.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the

amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractor shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

L. B. COMES,
Acting Chief of Bureau.

[F. R. Doc. 41-1474; Filed, February 28, 1941;
10:20 a. m.]

[NOy-4383]

SUMMARY OF CONTRACT FOR HOUSING

CONTRACTOR: McNEIL CONSTRUCTION COMPANY, 5860 AVALON BOULEVARD, LOS ANGELES, CALIFORNIA

On October 4, 1940, the Navy Department entered into a contract (NOy-4383) with McNeil Construction Company, Los Angeles, California, for housing units with necessary accessories at Long Beach, California, at an estimated cost of \$1,263,000 including a fixed fee of \$48,000 payable to the Contractor.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractor shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractor under the contract in the case of such termination.

L. B. COMES,
Acting Chief of Bureau.

[F. R. Doc. 41-1475; Filed, February 28, 1941;
10:20 a. m.]

[NOy-4384]

SUMMARY OF CONTRACT FOR HOUSING

CONTRACTOR: BYRNE ORGANIZATION, DALLAS, TEXAS

On October 7, 1940, the Navy Department entered into a contract (NOy-4384) with the Byrne Organization for housing units with necessary accessories at Naval Operating Base, Norfolk, Va., at an estimated cost of \$2,284,000 including a fixed fee of \$90,000 payable to the Contractor.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications

and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractor shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractor under the contract in the case of such termination.

L. B. COMBS,
Acting Chief of Bureau.

[F. R. Doc. 41-1476; Filed, February 28, 1941;
10:20 a. m.]

[NOY-4395]

SUMMARY OF CONTRACT FOR FACILITIES

CONTRACTORS: E. E. BLACK, LTD., JAMES W. GLOVER & RALPH E. WOOLEY, 302 CASTLE & COOKE BUILDING, HONOLULU, T. H.

On October 12, 1940, the Navy Department entered into a contract (NOY-4395) with E. E. Black, Ltd., James W. Glover & Ralph E. Wooley, Honolulu, T. H. for additional facilities at the Fourteenth Naval District, Pearl Harbor, T. H., at an estimated cost of \$1,458,000 including a fixed fee of \$75,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

L. B. COMBS,
Acting Chief of Bureau.

[F. R. Doc. 41-1477; Filed, February 28, 1941;
10:20 a. m.]

[NOY-4409]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: IRWIN & LEIGHTON, 1505 RACE STREET, PHILADELPHIA, PENNSYLVANIA

On October 18, 1940, the Navy Department entered into a contract (NOY-

4409) with Irwin & Leighton, Philadelphia, Pa., for additions to Bancroft Hall and new recitation Hall at the U. S. Naval Academy, Annapolis, Md., at an estimated cost of \$1,786,500 including a fixed fee of \$70,000 payable to the Contractor.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractor shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractor under the contract in the case of such termination.

L. B. COMBS,
Acting Chief of Bureau.

[F. R. Doc. 41-1481; Filed, February 28, 1941;
10:21 a. m.]

[NOY-4412]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTORS: I. C. CURRY AND F. E. YOUNG, 1701 B STREET, SAN DIEGO, CALIFORNIA

On October 23, 1940, the Navy Department entered into a contract (NOY-4412) with I. C. Curry and F. E. Young, San Diego, California, for buildings at the Destroyer Base, San Diego, California, at an estimated total cost of \$1,125,000 including a fixed fee of \$50,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

L. B. COMBS,
Acting Chief of Bureau.

[F. R. Doc. 41-1478; Filed, February 28, 1941;
10:20 a. m.]

[NOY-4426]

SUMMARY OF CONTRACT FOR AMMUNITION FACILITIES

CONTRACTORS: HARWOOD-NEBEL CONSTRUCTION CO., 1520 K STREET NW., WASHINGTON, D. C.

On October 25, 1940, the Navy Department entered into a contract (NOY-4426) with the Harwood-Nebel Construction Co., Washington, D. C., for additional ammunition facilities and low cost housing units at the naval powder factory, Indian Head, Maryland, at an estimated total cost of \$1,945,400 including a fixed fee of \$78,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

L. B. COMBS,
Acting Chief of Bureau.

[F. R. Doc. 41-1483; Filed, February 28, 1941;
10:22 a. m.]

[NOY-4435]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTORS: GILBANE BUILDING CO., INC., 90 CALVERY ST., PROVIDENCE, R. I.; AND HOLT-FAIRCHILD CO., ARLINGTON, MASS.

On October 29, 1940, the Navy Department entered into a contract (NOY-4435) with Gilbane Building Co., Providence, R. I., and Holt-Fairchild Co., Arlington, Mass., for the construction of housing facilities at Newport, Rhode Island, at an estimated total cost of \$1,655,000, including a fixed fee of \$65,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly.

fied accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

L. B. COMBS,
Acting Chief of Bureau.

[F. R. Doc. 41-1485; Filed, February 28, 1941;
10:22 a. m.]

Bureau of Aeronautics.

[Nod-1752]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: BREWSTER AERONAUTICAL CORPORATION, JOHNSVILLE, PENNSYLVANIA

FEBRUARY 10, 1941.

Defense Plant Corporation has entered into an agreement with Brewster Aeronautical Corporation for the construction of a plant at or near Johnsville, Pennsylvania, and the acquisition of Machinery and equipment therefor. The maximum amount which Defense Plant Corporation is required to expend under such agreement is two million dollars (\$2,000,000).

Title to the plant, machinery and equipment is to be in Defense Plant Corporation and the plant, machinery and equipment are to be leased at a nominal rental to Brewster Aeronautical Corporation for a term expiring January 1, 1948 or prior thereto if terminated because the plant, machinery and equipment are no longer required or used for national defense. Upon the termination of the lease, Brewster Aeronautical Corporation has an option to acquire the plant, machinery and equipment at cost or cost less depreciation, depending upon the time of exercise of the option. The agreement provides that during the period of the lease, Brewster Aeronautical Corporation will eliminate from any price charged the Government or any supplier for the Government all charges for the plant, machinery and equipment covered by the agreement.

By letters dated February 12 and 19, 1941 the Navy Department has agreed to reimburse Defense Plant Corporation for its expenditures under the agreement, two-fifths ($\frac{2}{5}$) of such reimbursement to be made out of existing appropriations on or before June 1, 1942, and the balance on or before June 1, 1945 if Congress hereafter authorizes the same by making appropriations therefor. The proceeds of any exercise by Brewster Aeronautical Corporation of its option are to be credited upon such reimbursement. Upon partial reimbursement of

Defense Plant Corporation, the Navy Department is to acquire a proportionate interest in the plant and equipment, and, upon complete reimbursement, title thereto, subject to the option of Brewster Aeronautical Corporation above described if then existing.

J. H. TOWERS,
*Rear Admiral, U. S. N.,
Chief of the Bureau of Aeronautics.*

[F. R. Doc. 41-1490; Filed, February 28, 1941;
10:23 a. m.]

Bureau of Ordnance.

[Nod-1624]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: WESTINGHOUSE ELECTRIC AND MANUFACTURING COMPANY, PITTSBURGH, PENNSYLVANIA

Under date of January 20, 1941, the Navy Department entered into a contract with the Westinghouse Electric and Manufacturing Company for the constructing, equipping and organizing for operation of a plant for the manufacture and assembly of ordnance equipment at an estimated cost not to exceed \$16,150,000.00, on a site acquired by the Department near Canton, Ohio. The contract requires that the work be done at actual cost plus a fixed fee to the Contractor of \$425,000. The Contractor agrees to do or cause to be done all things necessary for the construction, equipment and organization for operation of the new plant including the architectural and mechanical design, the employment and supervision of a general contractor to construct the plant, the selection, purchasing and lay-out of the machine tools and other equipment, the design and production of necessary jigs, gauges and fixtures, and the preparation of detailed instructions for operation of the plant, and, in addition, the Contractor agrees to select and transfer from its own organization the necessary experienced executives, supervisors and other trained personnel and to put into training for employment in the new plant the necessary working force so as to enable the new plant to be put in operation as soon as possible after its completion. The plant is to become the property of the United States and is to be operated by the Contractor in the production of ordnance equipment as ordered by the Navy Department.

W. H. P. BLANDY,
*Rear Admiral, U. S. N.,
Chief of the Bureau of Ordnance.*

[F. R. Doc. 41-1491; Filed, February 28, 1941;
10:23 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1558-FD]

IN THE MATTER OF FLEET COAL AND OIL, INC., (FORMERLY KNOWN AS ECONOMY COAL SALES COMPANY), REGISTERED DISTRIBUTOR, REGISTRATION No. 2638, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the Act) to determine whether or not Fleet Coal and Oil, Inc., (formerly known as Economy Coal Sales Company), registered distributor, Registration No. 2638, whose address is 805 Market Avenue S., Canton, Ohio, has violated the code or regulations thereunder in any manner including but not in limitation thereof, the following:

Section 4 II (h) of the Bituminous Coal Act, § 304.12 (b) of the Rules and Regulations for Registration of Distributors, and paragraphs 4, 5, and 6 of the agreement executed by said distributor pursuant to said § 304.12, by accepting and retaining distributor's discounts on coal purchased for resale in less than cargo or railroad carload lots, by accepting and retaining distributor's discounts on coal purchased for resale and physically handled by said defendant, and by failing to file invoices, credit memoranda and other information required by the Division, since September 30, 1940.

It is ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, be held on March 28, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at The Conrad Hotel, Massillon, Ohio.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit

to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within ten (10) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: February 25, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1471; Filed, February 27, 1941;
1:48 p. m.]

[Docket No. 1574-FD]

IN THE MATTER OF EMORY SCALF,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick, a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 8, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Chas. O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the in-

quiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling on or about January 5, 1941 to an independent trucker a quantity of 1½" x 1" coal produced at his Melton Mine, Butler County, Kentucky at a price of \$1.25 per ton f. o. b. the mine, the applicable effective minimum price established f. o. b. the mine for such coal being \$1.40 per ton.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1501; Filed, February 28, 1941;
11:22 a. m.]

[Docket No. 1575-FD]

IN THE MATTER OF HIRAM N. SMITH, DE-
FENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 7, 1941, pursuant to the provisions of sections

4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick, a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 7, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file and answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or

otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the month of January 1941 to various purchasers a quantity of 1¼" x ¾" coal produced at his Hiram Smith Mine, Butler County, Kentucky, at a price of \$1.25 per ton f. o. b. the mine, the applicable effective minimum price established f. o. b. the mine for such coal being \$1.40 per ton.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1511; Filed, February 28, 1941;
11:25 a. m.]

[Docket No. 1576-FD]

IN THE MATTER OF ELBERT BARROW,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick, a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 9, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing

Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling on or about December 4, 1940 to various independent truckers a quantity of stoker coal in Size Groups 10, 11, and 12 produced at his Melton No. 1 Mine, in Butler County, Kentucky, at an f. o. b. mine price of \$1.10 per ton, the applicable effective minimum price established f. o. b. the mine for such coal being \$1.40 per ton.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1505; Filed, February 28, 1941;
11:23 a. m.]

[Docket No. 1577-FD]

IN THE MATTER OF JOYCE BASHAN,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick, a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 9, 1941, at 10 a. m., at a hearing room of the Bituminous Coal

Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling on or about November 14, 1940 to various independent truckers a quantity of 1¼" x 1" coal produced at his Bashan

Mine, located in Butler County, Kentucky, at a price of \$1.25 per ton f. o. b. the mine, the applicable effective minimum price established f. o. b. the mine for such coal being \$1.40 per ton.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1506; Filed, February 28, 1941;
11:24 a. m.]

[Docket No. 1578-FD]

IN THE MATTER OF D. B. FIELDS,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick, a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 7, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Chas. O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bi-

tuminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling on November 20, 1940 to W. C. O'Shea a quantity of 1¼" x 1" coal produced at his Fields Mine located in Butler County, Kentucky, at a price of \$1.25 per ton, the applicable effective minimum price established f. o. b. the mine for such coal being \$1.40 per ton.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1513; Filed, February 28, 1941;
11:26 a. m.]

[Docket No. 1579-FD]

IN THE MATTER OF JOHNSON & CHATMAN,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 7, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses,

subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceedings. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the month of December 1940 to various independent truckers a quantity of pea and stoker coal, Size Groups 10, 11 and 12 produced at its Johnson & Chatman Mine located in Butler County, Kentucky, at a price of \$1.25 per ton f. o. b. the mine, the applicable effective minimum price established f. o. b. the mine for such coal being \$1.40 per ton.

February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1500; Filed, February 28, 1941;
11:22 a. m.]

[Docket 1580-FD]

IN THE MATTER OF POSEY HANCOCK,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick, a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 9, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter

and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling on or about November 20, 1940 to an independent trucker 6 and $\frac{1}{10}$ tons of screenings of coal produced at his Hancock No. 2 mine located in Daviess County, Kentucky, at 50¢ per ton f. o. b. the mine, the applicable effective minimum price established f. o. b. the mine for such coal being \$1.10 per ton.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.[F. R. Doc. 41-1504; Filed, February 28, 1941;
11:23 a. m.]

[Docket No. 1581-FD]

IN THE MATTER OF O. C. PENROD,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick, a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 7, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all

other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the period subsequent to September 30, 1940 to various independent truckers a quantity of $1\frac{1}{2}$ " screenings and mine run coal produced at his Penrod Mine located in McLean County, Kentucky, at the following prices f. o. b. the mine—50¢ per ton for $1\frac{1}{2}$ " screenings and \$1.50 per ton for mine run coal, the applicable effective minimum prices established f. o. b. the mine for such coal being \$1.10 per ton for screenings and \$1.60 per ton for mine run.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.[F. R. Doc. 41-1512; Filed, February 28, 1941;
11:26 a. m.]

[Docket No. 1582-FD]

IN THE MATTER OF WOLF SWENTNER, DE-
FENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick,

a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 9, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

No. 42—3

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the period subsequent to September 30, 1940 to various independent truckers a quantity of 1½" screenings and mine run coal produced at his Swentner Mine located in McLean County, Kentucky, at the following prices f. o. b. the mine—50¢ per ton for screenings, and \$1.50 per ton for mine run, the applicable effective minimum prices established f. o. b. the mine for such coal being \$1.10 per ton for screenings and \$1.60 per ton for mine run.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1514; Filed, February 28, 1941;
11:26 a. m.]

[Docket No. 1583-FD]

IN THE MATTER OF JOHN E. WILLIAMS,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 7, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities

having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling on November 19, 1940 to McCord Brothers a quantity of ¾" screenings of coal produced at his Beech Hollow Mine located in Hopkins County, Kentucky, at 50¢ per ton f. o. b. the mine, the applicable effective minimum price established f. o. b. the mine for such coal being \$1.10 per ton.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1499; Filed, February 28, 1941;
11:22 a. m.]

[Docket No. 1584-FD]

IN THE MATTER OF W. R. SMITH,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick, a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint

be held on April 7, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Chas. O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the period on or about November 6, 1940 to December 4, 1940, both dates inclusive, to the City Light & Water Plant,

Owensboro, Kentucky, 14.25 tons of $\frac{3}{4}$ " screenings of coal produced at his John Nation No. 1 Mine located in Davies County, Kentucky, at 50¢ per ton f. o. b. the mine, the applicable effective minimum price established f. o. b. the mine for such coal being \$1.10 per ton.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1508; Filed, February 28, 1941;
11:24 a. m.]

[Docket No. 1585-FD]

IN THE MATTER OF JOHN NATION,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick, a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 8, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Chas. O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling on or about January 21, 1941 to the City Light & Water Plant, Owensboro, Kentucky, a quantity of $\frac{3}{4}$ " screenings of coal produced at his No. 2 Mine in Daviess County, Kentucky, at a price of 50¢ per ton f. o. b. the mine, the applicable effective minimum price established f. o. b. the mine for such coal being \$1.10 per ton.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1502; Filed, February 28, 1941;
11:23 a. m.]

[Docket No. 1586-FD]

IN THE MATTER OF B. D. MOORE, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick, a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 8, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Chas. O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to

conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the month of December 1940 to Delker Brothers Manufacturing Company, Henderson, Kentucky, approximately 100 tons of $\frac{3}{4}$ " x 0 coal produced at his B. D. Moore Mine, Nortonville, Kentucky, at a price of \$1.25 per ton delivered to the aforesaid consumer at Henderson, Kentucky, a distance of approximately 55 miles, the applicable effective minimum price established

f. o. b. the mine for such coal being 50¢ per ton.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1503; Filed, February 28, 1941;
11:23 a. m.]

[Docket No. 1587-FD]

IN THE MATTER OF B. D. MOORE,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 17, 1941, by W. W. Crick, a member of District Board No. 9, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 8, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Madisonville, Kentucky.

It is further ordered, That Chas. O. Fowler, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bi-

uminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the months of December, 1940 and January, 1941 to the Betty Maid Dress Factory, Henderson, Kentucky, approximately 10 tons of $1\frac{1}{4}$ " x $\frac{3}{8}$ " coal produced at his B. D. Moore Mine, Nortonville, Kentucky, at a price of \$1.75 per ton, delivered to the aforesaid consumer at Henderson, Kentucky, a distance of approximately 55 miles from the defendant's mine, the applicable effective minimum price established f. o. b. the mine for such coal being \$1.40 per ton.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1510; Filed, February 28, 1941;
11:25 a. m.]

[Docket No. 1591-FD]

IN THE MATTER OF E. P. WHITED,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 24, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 4, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hotel Norton, Norton, Virginia.

It is further ordered, That Charles O. Fowler or any other officer or officers of

the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or by subsequent notice, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling (1) on or about December 19, 1940 to W. A. Vance, Jr., Glade Springs, Virginia, approximately seven tons of Size Group 1 and Size Group 2 coal produced by defendant at his mine located in Russell County, Virginia, at a price of \$2.10 per ton f. o. b. the mine, the applicable effective

minimum price established f. o. b. the mine for such sizes of coal being as follows—Size Group 1—\$2.65 per ton and Size Group 2—\$2.45 per ton; and (2) during the period on or about October 1, 1940, to December 24, 1940, both dates inclusive, to various purchasers approximately 300 tons of Size Group 1 and Size Group 2 coal produced by the defendant at his mine located in Russell County, Virginia, at a price of \$2.10 f. o. b. the mine, the applicable effective minimum price established f. o. b. the mine for such sizes of coal being as follows—Size Group 1—\$2.65 per ton and Size Group 2—\$2.45 per ton.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1507; Filed, February 28, 1941;
11:24 a. m.]

[Docket No. 1592-FD]

IN THE MATTER OF J. B. WHITED, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 24, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 4, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hotel Norton, Norton, Virginia.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or by subsequent notice, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding.

Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling (1) on or about January 30, 1941 to the Richlands Transfer Company, Richlands, Virginia, approximately 10,600 lbs of Size Group 5 coal produced by the defendant at his mine located in Russell County, Virginia, at a price of \$2.04 per ton f. o. b. the mine, the applicable effective minimum price established f. o. b. the mine for such coal being \$2.15 per ton; (2) on or about January 7, 1941 to H. Canter, Bristol, Virginia, approximately six tons of Size Group 2 coal produced by the defendant at his mine located in Russell County, Virginia, at a price of not more than \$2.15 per ton f. o. b. the mine, the applicable effective minimum price established f. o. b. the mine for such coal being \$2.45 per ton; (3) on or about January 2, 1941 to C. W. Ascue, Richlands, Virginia, approximately one ton of Size Group 5 coal produced by the defendant at his mine in Russell County, Virginia, at a price of \$1.55 per ton f. o. b. the mine, the applicable effective minimum price established f. o. b. the mine for such coal being \$2.15 per ton; and (4) during the period subsequent to December 24, 1940 to various purchasers approximately 1,000 tons of Size Groups 5 and 7 coal produced by the defendant at his mine located in Russell County, Virginia, at the following prices f. o. b. the mine—\$1.55 per ton for Size Group 5 coal and \$1.50 per ton for Size Group 7

coal—the applicable effective minimum prices established f. o. b. the mine for such coal being \$2.15 per ton and \$1.55 per ton, respectively.

Dated: February 27, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1509; Filed, February 28, 1941;
11:25 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL No. 155 AND MODIFICATION OF GRAZING DISTRICT No. 5

NEVADA

FEBRUARY 18, 1941.

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 728; 49 U.S.C. 214, that the following-described public land in Nevada be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air navigation facilities:

MOUNT DIABLO MERIDIAN

T. 25 S., R. 57 E.,
sec. 6, lots 10 and 11,
sec. 7, lot 4; 74.33 acres.

And, so far as it affects the above-described land, the departmental order of November 3, 1936, creating Nevada Grazing District No. 5, is hereby modified¹ and made subject to the withdrawal effected by this order.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 41-1492; Filed, February 28, 1941;
10:24 a. m.]

AIR NAVIGATION SITE WITHDRAWAL No. 105 AMENDED AND ENLARGED

ALASKA

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the description of the tract near Big Delta, Alaska, withdrawn for air-navigation site purposes by a departmental order of April 20, 1936, be, and it is hereby, amended and enlarged, subject to valid existing rights, to read as follows:

A tract of land containing 57.3 acres in unsurveyed sec. 17, T. 9 S., R. 10 E., F. M., described by metes and bounds as follows:
Beginning at corner No. 1, located on the south line of sec. 8, from which the quarter-section corner of secs. 8 and 17 bears west 300 feet.

Thence from the point of beginning:
S. 1°22' W., 5,000 feet to corner No. 2; N. 88°38' W., 500 feet to corner No. 3; N. 1°22' E., 4,988.1 feet to corner No. 4;
East 500.1 feet along the south line of

¹ To be included in tabulation, 43 CFR 502.1d, 1941 Supp.

sec. 8 to corner No. 1 and the place of beginning;

and the following described subdivisions:

FAIRBANKS MERIDIAN

T. 9 S., R. 10 E.,
sec. 8, NE¼ NE¼,
sec. 9, NW¼ NW¼ (unsurveyed);

containing in all 137.3 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

FEBRUARY 19, 1941.

[F. R. Doc. 41-1493; Filed, February 28, 1941;
10:24 a. m.]

STOCK DRIVEWAY WITHDRAWAL No. 56, ARIZONA No. 2, REDUCED

FEBRUARY 19, 1941.

Departmental order of February 4, 1919, establishing Stock Driveway Withdrawal No. 56, Arizona No. 2, under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, is hereby revoked so far as it affects the following-described land which is embraced in homestead application, Phoenix 079401, in view of the equities of the homestead applicant:

GILA AND SALT RIVER MERIDIAN

T. 8 N., R. 2 E., sec. 31, SE¼, 160 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 41-1494; Filed, February 28, 1941;
10:25 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTY OF RANDOLPH, STATE OF ARKANSAS, IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 23, 1940, loans made in Randolph County, Arkansas, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with provisions of those rules and regulations. There follow a description of the localities and the determination of value for each of these localities:

Locality I: Townships of Bristow, Current River, O'Kean, Reyno, Running Lake, and Wiley. Value: \$2,590.

Locality II: Townships of Butler, Davidson, Jackson, Janes Creek, Spring River, and Water Valley. Value: \$2,263.

Locality III: Townships of Baker, Columbia, Demun, Eleven Points, Elm Store, Foster, Ingram, Little Black, Richardson,

Roanoke, Shiloh, Siloam, Union, and Warm Springs. Value: \$1,437.

Approved February 24, 1941.

[SEAL]

J. O. WALLSER,
Acting Administrator.

[F. R. Doc. 41-1517; Filed, February 28, 1941;
11:36 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4389]

IN THE MATTER OF STANDARD OIL COMPANY ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of February, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41) and (49 Stat. 1526, U.S.C.A., section 13, as amended).

It is ordered, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 10, 1941, at ten o'clock in the forenoon of that day (eastern standard time), in Room 859, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1521; Filed, February 28, 1941;
11:41 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 30-186, 187]

IN THE MATTER OF THE UNITED ILLUMINATING TRUST AND THE ILLUMINATING SHARES COMPANY

ORDER REGARDING STATUS AS HOLDING COMPANIES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of February, A. D. 1941.

The United Illuminating Trust and The Illuminating Shares Company, registered holding companies, having filed applications pursuant to section 5 (d) of

the Public Utility Holding Company Act of 1935 requesting orders declaring that applicants have ceased to be holding companies:

It is ordered, That said applicants have ceased to be holding companies.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1515; Filed, February 28, 1941;
11:30 a. m.]

[File No. 812-23]

IN THE MATTER OF INSURANCE SECURITIES,
INCORPORATED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of February, A. D. 1941.

An application under section 27 (b) of the Investment Company Act of 1940 having been duly filed with the Commission by the above named applicant for an order granting a qualified exemption from the provisions of sections 27 (a) (1) and (3) of said Act so as to permit a sales load of 10 per cent to be deducted from the total payments to be made on periodic payment plan certificates to be sold by the applicant instead of 9 per cent as permitted by section 27 (a) (1) of said Act and so as to permit the amounts of sales load deducted during the second and third years from payments to be made on such certificates to exceed the amounts which are permitted to be deducted during said years by the provisions of section 27 (a) (3);

It is ordered, That a hearing on the matter of the application of the above named applicant under the applicable provisions of said Act and the Rules of the Commission thereunder be held on March 19, 1941 at 10 o'clock in the forenoon of that day at the Regional Office of the Securities and Exchange Commission in Room 1003, 625 Market Street, San Francisco, California. After com-

mencement of such hearing the same may be continued by the trial examiner and such continued hearing may be held in the same or such other place as the trial examiner may designate.

It is further ordered, That John G. Clarkson, Esq., or any other officer or officers of the Commission designated for that purpose shall preside at the hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons concerned or to any person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1516; Filed, February 28, 1941;
11:30 a. m.]

[File No. 70-265]

IN THE MATTER OF CITIES SERVICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of February, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than March 10, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he

be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Company proposes to acquire an aggregate principal amount of its 5% Debentures due 1950, 1958, 1963, 1966 and 1969, not exceeding 5% of the \$167,107,400 aggregate principal amount outstanding as of December 31, 1940, namely \$8,355,370 principal amount.

It is proposed that such acquisitions be made at such times and from time to time during the year next ensuing from the date of the order applied for as in the judgment of the management of the Company may be advantageous to the Company. Such acquisitions will be made in the open market, either through brokers or dealers on securities exchanges or in the Over-the-Counter markets, or at private sales at prices not in excess of the then current market prices. Cities Service Oil Company (Pa.) and Sixty Wall Tower, Inc., both non-utility subsidiaries of the Company, own respectively \$7,789,372 and \$700,000 principal amounts of the Company's debentures, and the Company requests authority to acquire all or any part of such debentures, pursuant to the authorization above requested and within the 5% limitation above set forth, at market prices prevailing at the time of purchase.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1526; Filed, February 28, 1941;
11:49 a. m.]